

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID RUCKER, et al.,)	No. C 08-1497 JSW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL;
)	DENYING MOTIONS FOR
v.)	CLARIFICATION AND
)	APPOINTMENT OF COUNSEL
BEN CURRY,)	
)	
Defendant.)	(Docket Nos. 8 & 9)
)	

Plaintiffs, seven California prisoners, filed this pro se civil rights complaint under 42 U.S.C § 1983. Because of the procedural problems associated with having multiple inmates in the same case, insofar as they are not lawyers and cannot represent each other and as inmates their contact with each other is limited, the Court dismissed the complaint and granted leave to Plaintiff Rucker to file an amended complaint setting forth claims and allegations pertaining to himself only. In response, Plaintiff Rucker has filed a motion for “clarification” in which he states he does not want to proceed by himself, but rather wants to proceed as a class action on behalf of himself and approximately 600 other inmates in the “Mens Advisory Counsel.”

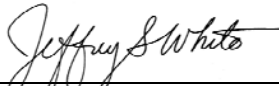
Pro se prisoner plaintiffs may not bring class actions. They are not qualified to act as class representatives as they are unable to fairly represent and adequately protect the interests of the class. *See* Fed. R. Civ. P. 23(a); *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975); *see also Russell v. United States*, 308 F.2d 78, 79 (9th Cir. 1962) (holding that “a litigant appearing in propria persona has no authority to represent anyone other than himself”).

1 As Plaintiff has indicated that he does not intend to cure the deficiencies in this
2 complaint, and as he may not proceed as a class action, this action is hereby
3 DISMISSED. This dismissal is without prejudice to any individual Plaintiffs filing a
4 new pro se case only on behalf of himself. Plaintiff's motion for appointment of counsel
5 is hereby DENIED as there are no exceptional circumstances warranting such
6 appointment. *See Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981) (finding no
7 constitutional right to counsel in civil case). Plaintiff's motions for "clarification" is
8 DENIED.

9 The clerk shall close the file and terminate Docket Nos. 8 & 9.

10 IT IS SO ORDERED.

11 DATED: May 28, 2008

12 
13 _____
JEFFREY S. WHITE
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5

6 DAVID RUCKER,

7 Plaintiff,

8 v.

9 BEN CURRY et al,

10 Defendant.
11 _____/

Case Number: CV08-01497 JSW

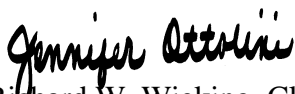
CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on May 28, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 David Rucker
19 P29892
20 P.O. Box 689
21 Soledad, CA 93960

22 Dated: May 28, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk